

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
-versus-                      )  
                                  )  
BRANTLEY DENMARK THOMAS, III ) CRIMINAL NUMBER 2:17-cr-01150-DCN  
                                  )  
                                  )  
Defendant.                   )

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**DEFENDANT'S SENTENCING MEMORANDUM**

The Defendant, Brantley Denmark Thomas, III (“Thomas”), by and through his undersigned counsel, respectfully submits this Sentencing Memorandum to aid the Court at sentencing.

**I. INTRODUCTION**

Thomas pleaded guilty in this case on December 5, 2017, and he has been in custody since he was arrested on December 12, 2018. Thomas appears before this Court for sentencing as a 62-year-old broken and ashamed man, apologetic and prepared to accept the significant term of imprisonment that the Court will impose for his crimes against the Berkeley County School District (“BCSD”). Subsequent to the federal sentencing proceeding, Thomas must also resolve multiple related State charges carrying lengthy maximum possible terms of imprisonment. Thus, Thomas faces an additional reckoning in State court as a consequence of his actions.

**II. THE GOVERNMENT'S SENTENCING MEMORANDUM**

In its sentencing memorandum, the Government discusses the Guideline range established in the presentence report (“PSR”), along with traditional sentencing factors, and

requests a “significant term of imprisonment.” Thomas is not requesting anything to the contrary, and the Guidelines provide as much. As noted in the revised PSR, Thomas’s guidelines have been increased by three levels due to loss of acceptance of responsibility based on charged conduct in the State prosecution. That adjustment substantially increased Thomas’s guideline range by seventeen months at the top end and fourteen months at the bottom end. In addition, Thomas must resolve those charges in the State proceedings and thus must face another day of reckoning on that score, as well as the other State charges.

### **III. LETTERS IN SUPPORT**

Thomas respectfully submits letters from family members, not to excuse his offenses or to request a downward variance, but to provide personal background information to the Court. While the Government has rightly chastised Thomas for his history of criminal conduct, he is the father of an 18-year-old daughter and has family members who have known good traits of his flawed character. Thomas’s 85-year-old mother, Anne Siegling Thomas, describes Thomas’s devotion to his daughter, Mary Jordan; the strength of their relationship; and his role in the family. See Exhibit 1, Letter of Anne S. Thomas. His stepmother, Kathleen B. Thomas, describes the emotional support that Thomas provided to her and his father after his father was diagnosed with a terminal illness. See Exhibit 2, Letter of Kathleen B. Thomas. His niece Liz Anderson describes the integral role that Thomas, her godfather, has played in her life. See Exhibit 3, Letter of Liz Anderson. His sister Elizabeth T. Thomas describes Thomas’s close relationship with Mary Jordan and the role he has played to various members of their family, and she expresses her hope that he will be incarcerated close to the family so that they can maintain their close bond. See Exhibit 4, Letter of Elizabeth T. Thomas. Finally, his brother John M. Thomas respectfully requests that the Court consider the effect on Mary Jordan of Thomas’s

incarceration as it decides a just punishment for Thomas's crimes. See Exhibit 5, Letter of John M. Thomas.

**IV. CONTINUED TREATMENT**

In November 2018, Thomas successfully completed treatment for alcohol addiction at Waypoint Recovery Center, a residential inpatient treatment program located in Cameron, South Carolina. See Exhibit 6, Letter from Waypoint Recovery Center. Following the Waypoint program, he continued his recovery efforts by transitioning to the Safety Net Recovery program located in Greenville, South Carolina, where he attended at least one 12-Step meeting per day and tested negative on each semi-weekly random drug screen. See Exhibit 7, Letter from Safety Net Recovery. He continued this treatment up to the date of his arrest in December 2018. Thomas hopes to continue treatment and counseling while in the custody of the Bureau of Prisons.

**V. DUAL PROSECUTION CONSIDERATIONS**

As noted in the PSR, Thomas's Guideline range has been calculated and increased, based on the principles of relevant conduct, to account for additional loss amounts that are the subject of separate State charges. PSR at ¶ 14. As noted, Thomas must resolve those charges, and thus a State sentence of imprisonment may be anticipated. This Court has the discretion to order its federal sentence to run concurrently to an anticipated State sentence that has yet to be imposed. Setser v. United States, 566 U.S. 231, 244 (2012). Thus, this Court may consider that another court will have the opportunity to adjudicate the State charges and decide any related sentence of imprisonment.

**VI. CONCLUSION**

Thomas appreciates the Court's consideration of the above information as the Court determines an appropriate sentence in this case.

Respectfully submitted,

/s/ Matthew R. Hubbell

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BRANTLEY THOMAS

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Charleston, South Carolina